

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Kevin R. Boston Gladden,)	C/A No. 9:08-4147-JFA-BM
)	
Plaintiff,)	
vs.)	ORDER
)	
The State Mental and Vocal Authorities)	
Per Se Bad Villains; Scott; and Kirkland)	
Law Enforcement,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Kevin R. Boston Gladden, brings this action pursuant to 42 U.S.C. § 1983 contending that he does not agree with the medical and/or psychological treatment he is currently receiving and claims that he is being poisoned. He seeks damages and the arrest of the defendants.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation (“Report”) dated January 20, 2009, wherein he suggests that this court should dismiss the plaintiff’s complaint for failure to state a claim upon which relief may be granted. The Report sets forth in detail the relevant facts and standards of law on these

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

matters, and the court incorporates such without a full recitation.

Pro se complaints are held to a less stringent standard than those drafted by attorneys and should be dismissed for failure to state a claim only if it appears “beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.” *Haines v. Kerner*, 404 U.S. 519, 521 (1972), quoting *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957). The Magistrate Judge recommends that even though the plaintiff is entitled to a less stringent standard, summary dismissal is still warranted.

The plaintiff was advised of his right to file objections to the Report. He filed timely objections to the Report on January 23, 2009. Finding no merit to any of the objections, the objections are overruled.

After a careful review of the record, the applicable law, the Report, and the objections thereto, the court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report is incorporated herein by reference and the case is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

February 25, 2009
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge